

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
Plaintiff,)	
v.)	Criminal No. 04-10345-NMG
)	
MOHAMMED ABDUL AZIZ QURAISHI,)	
Defendant.)	
)	

**MOTION OF THE UNITED STATES TO
PARTIALLY VACATE PRELIMINARY ORDER OF FORFEITURE**

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby moves that this Court vacate the Preliminary Order of Forfeiture issued on February 28, 2006, only with respect to the real property located at 38 Kevin Clancy Way, Stoughton, Massachusetts, having a deed recorded at the Norfolk County Registry of Deeds, Book 15017, Page 403 (the "Kevin Clancy Way Property"). A proposed Order Partially Vacating Preliminary Order of Forfeiture is submitted herewith. As grounds therefore, the United States submits:

1. On or about November 18, 2004, a grand jury sitting in the District of Massachusetts returned a five-count Indictment charging Mohammed Abdul Aziz Quraishi ("Defendant") and others, with Encouraging and Inducing Aliens to Come to, Enter and Reside in the United States in Violation of Law, in violation of 8 U.S.C. § 1324(a)(1)(A)(iv) (Count Two), and Witness Tampering, in

violation of 18 U.S.C. § 1512(b)(3) (Count Four).¹

2. The Indictment also sought the forfeiture, as a result of the offenses alleged in Counts One, Two, and Three of the Indictment, of any conveyance, including any vessel, vehicle, or aircraft used in the commission of the offense; any property, real or personal, that constituted, was derived from, or was traceable to the proceeds obtained directly or indirectly from the commission of the offense; and any property that was used to facilitate, or was intended to be used to facilitate the commission of the offense, pursuant to 18 U.S.C. § 982(a)(6). Such property included, but was not limited to the following:

The real property located at 80 Walnut Street, Unit 401, Canton, Massachusetts 02021, more specifically described in the deed recorded on September 25, 2000, in the Norfolk County Registry of Deeds, Book 14423, Page 104 (the "Walnut Street Property").

3. The Indictment also provided that, if the Walnut Street Property, as a result of any act or omission of Defendant, (a) could not be located upon the exercise of due diligence; (b) had been transferred or sold to, or deposited with, a third party; (c) had been placed beyond the jurisdiction of the Court; (d) had been substantially diminished in value; or (e) had been commingled with other property which could not be subdivided without difficulty, that it was the intention of the United

¹ Defendant was not charged in the other counts of the Indictment.

States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), to seek forfeiture of any other property of Defendant up to the value of the Walnut Street Property. Such property included but was not limited to the Kevin Clancy Way Property.

4. On January 20, 2006, Defendant pled guilty to Counts Two and Four of the Indictment, pursuant to a written plea agreement. In his plea agreement, Defendant agreed to forfeit to the United States any and all assets subject to forfeiture as a result of his guilty plea. The assets to be forfeited specifically included, without limitation, the Walnut Street Property.

5. Based on Defendant's guilty plea, and his subsequent conviction on Counts Two and Four, the United States filed a Motion for Preliminary Order of Forfeiture, and proposed Preliminary Order of Forfeiture, on January 25, 2006. See Docket No. 74. The United States inadvertently requested forfeiture of both the Walnut Street Property and the Kevin Clancy Way Property in its Motion for Preliminary Order of Forfeiture and proposed Preliminary Order of Forfeiture. This Court endorsed the proposed Preliminary Order of Forfeiture, ordering forfeiture of Defendant's interests in the Walnut Street Property and the Kevin Clancy Way Property, on February 28, 2006. See Docket No. 79.

6. Because the United States' proposed Preliminary Order of Forfeiture, endorsed by this Court on February 28, 2006, incorrectly forfeited Defendant's interest in the Kevin Clancy Way Property, the United States hereby moves to vacate only those portions of the Preliminary Order of Forfeiture (Docket Number 79) pertaining to the Kevin Clancy Way Property herewith.

WHEREFORE, the United States respectfully moves that this Court enter an Order Partially Vacating Preliminary Order of Forfeiture, only with respect to the Kevin Clancy Way Property, in the form submitted.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney,

BY: /s/ Kristina E. Barclay
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Date: March 29, 2006

CERTIFICATE OF SERVICE

I, Kristina E. Barclay, Assistant United States Attorney, do hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and I have served a copy of the foregoing by first class mail, postage prepaid, upon the following:

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Kristina E. Barclay
Assistant U.S. Attorney

Date: March 29, 2006

UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,)
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 MOHAMMED ABDUL AZIZ QURAISHI,)
 Defendant.)
)

ORDER PARTIALLY VACATING
PRELIMINARY ORDER OF FORFEITURE

GORTON, D.J.,

The United States of America having petitioned this Court for an Order to vacate the Preliminary Order of Forfeiture endorsed on February 28, 2006, only with respect to the real property located at 38 Kevin Clancy Way, Stoughton, Massachusetts, having a deed recorded at the Norfolk County Registry of Deeds, Book 15017, Page 403 (the "Kevin Clancy Way Property"), it is hereby

ORDERED, ADJUDGED and DECREED that the Preliminary Order of Forfeiture shall be vacated only with respect to the Kevin Clancy Way Property.

APPROVED AND SO ORDERED:

NATHANIEL M. GORTON
United States District Judge

Date: _____, 2006